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10 Attorneys for RAJENDRA PRASAD GEDA

11 UNITED STATES DISTRICT COURT

12 NORTHERN DISTRICT OF CALIFORNIA

13 SAN JOSE DIVISION

14 UNITED STATES OF AMERICA

15 v.

16 RAJENDRA PRASAD GEDA,

17 Defendant.

18) CASE NO. CR 18-00126 LHK

19) UNOPPOSED MOTION TO CONTINUE TRIAL

20) DATE

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25 Defendant Rajendra Geda, by and through undersigned counsel, Edward W. Swanson, moves
26 this Court to continue the trial date of August 26, 2019 currently set in this matter. Defense counsel
27 has met and conferred with counsel for the government, Assistant United States Attorney, Robert Leach
28 about this request and AUSA leach has indicated that he does not oppose the relief requested herein.

DISCUSSION

On January 9, 2019, the parties appeared before the Court for a status and trial setting conference. At that appearance, the parties set a trial date of August 26, 2019 and estimated that the trial would last through September 20, 2019.

On January 31, 2019, Edward Swanson entered a special appearance on behalf of the defendant, Professor Hao Zhang, in *United States v. Hao Zhang* (No. CR. 15-00106), currently pending before the Honorable Edward J. Davila. Previous defense counsel in that case had been permitted to withdraw as counsel of record on December 18, 2018. Mr. Swanson entered a special appearance and represented to Judge Davila that he would be taking on the representation if the current trial date of April 30, 2019 was continued to allow him sufficient time for effective preparation. Mr. Swanson represented to Judge Davila that due to the change in defense counsel and due to his previously-scheduled trial commitment in the *Geda* case, he could be prepared to go to trial in the *Zhang* matter no earlier than October 21, 2019.

At the appearance in the *Zhang* case, counsel for the government indicated the government's expert would be unavailable to testify at trial between October 2019 and March 2020. Judge Davila asked government counsel to inquire with their expert and confirm that he would be unavailable for the entirety of the October 2019 through March 2020 time period. Judge Davila also inquired whether Mr. Swanson's trial commitments, particularly with respect to the trial date in this case, could be moved to accommodate a trial setting in *United States v. Zhang* earlier than October 2019.

On March 1, 2019, Mr. Swanson learned that government counsel in the *Zhang* matter is able to begin that trial on August 19, 2019.¹ After learning of the government’s availability in *Zhang*, Mr. Swanson contacted AUSA Leach to inquire about whether he would agree to a continuance of the trial date in this case to accommodate an August trial date in the *Zhang* matter. AUSA Leach informed Mr.

¹ Mr. Swanson has not yet been informed whether the government's expert in the *Zhang* case is indeed unavailable to testify at a trial set between October 2019 and March 2020.

1 Swanson that he does not object to a continuance of the trial date in this case so long as trial is set no
2 earlier than late October or early November.

3 Mr. Swanson has conferred with his client in this matter, and Mr. Geda has no objection to the
4 continuance request.

5 Based on the foregoing, undersigned counsel respectfully requests that the Court vacate the
6 current August 26, 2019 trial date. The parties will meet and confer and file with the Court a proposed
7 new trial schedule by no later than close of business on March 13, 2019. Before filing the proposed new
8 trial schedule, the parties will contact the Court's clerk to determine the Court's availability.
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10 In the alternative, undersigned counsel respectfully requests that the Court set a scheduling
11 conference to discuss defense counsel's request for a continuance of the current trial date. The parties
12 are available for a status conference on March 13, 2019 at 9:15 a.m., during the Court's regularly
13 scheduled criminal calendar.

14 Respectfully Submitted,

15 DATED: March 4, 2019

16 _____ /s/
17 EDWARD W. SWANSON
18 On behalf of defendant RAJENDRA PRASAD GEDA
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1 **[PROPOSED] ORDER**
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4 IT IS ORDERED THAT: the parties are ordered to appear before the Court on March 13, 2019 at
5 9:15 a.m., to discuss defense counsel's request for a continuance.
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9 **IT IS SO ORDERED.**
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12 DATED: March 6, 2019
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HON. LUCY H. KOH
United States District Court Judge